

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Structure and Practices of the Video Relay Service)	CG Docket No. 10-51
Program)	
)	
Telecommunications Relay Services and Speech-to-)	CG Docket No. 03-123
Speech Services for individuals with Hearing and)	
Speech Disabilities)	

RESPONSE COMMENTS OF SAY-HEY INC.

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March 29, 2012
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CG Docket No. 10-51 "Structure and Practices of the Video Relay Service Program"
Dear Secretary Dortch:

Say-Hey Inc. respectfully submits its comments in response to the Federal Communications Commission (FCC) Further Notice of Proposed Rulemaking (FNPRM) released on December 15, 2011. Say-Hey applauds the FCC activities to address technology and broadband access to ensure the nation's VRS system is available to an increasing number of eligible individuals.

Say-Hey also believes the efforts to continue eliminating waste, fraud and abuse from the program that have been implemented will ensure that the program remains sustainable into the future. However, as the Commission cited in the FNPRM, additional reform is necessary to ensure overall program efficiency.

Say-Hey agrees with most of the respondents that the FCC should continue to expand opportunities for individuals with hearing and speech disabilities of low income to have more access to communications services including VRS. Say-Hey supports the Commission's proposal to create a Broadband Pilot Program to support discounted access to Broadband services for eligible individuals. The initiative for these individuals who use ASL to have access to affordable broadband will continue to ensure that they have an ability to communicate effectively in today's technological world.

Say-Hey Inc. also agrees with most respondents regarding the need for continued technical interoperability. The ability for users to select providers should not be dependent on equipment restraints. A user should be able to use the same device to reach any provider and make that selection based on the quality of service. The consumer choice should be technology-neutral and not based on the incentives of provisioning equipment.

Say-Hey agrees with so many other respondents that a change to a per-user rate would be inefficient for the providers and punitive to the users. The wholesale reform to the VRS compensation framework proposed by the Commission in the Further Notice is premature in light of the recent substantial reform to the existing program, including the per-minute compensation mechanism. The time needed for the benefit of its recent VRS reforms to be fully realized should be recognized before further discussions on changing the compensation methodology to a per-user system are contemplated.

Furthermore, the Commission could further revise the tiered VRS per-minute rate parameters to ensure closer alignment with VRS providers' actual costs. As it is, the tiered pricing mechanism could be adjusted additionally to better reflect these costs and manage waste even more.

However, eliminating the tiered structure would give a program dominated by a monopolistic provider no opportunity to break out of the single-provider model. This only furthers the ability for VRS users to make qualified choices of competitive providers that match their needs, as has been one of the goals of the Commission. Even so, any compensatory modification should be made in a gradual and predictable way that enables providers to absorb the difference and avoid any sudden disruptions to VRS service and quality.

However, of all commentary, it is the Registry of Interpreters for the Deaf (RID) response that reflects the most needed reform to ensure the quality and sustainability of a national VRS program. Say-Hey Inc. agrees that the value of ASA has been improperly followed as the main qualifier for *functional equivalence*. Providers have focused too much on the technical ability to answer calls as fast as possible with little or no regard to the actual quality of the call or whether the caller achieved *successful communication*. Unfortunately, this has negated the importance and value of the professional interpreter, the key link, the engine that drives *successful communication* in VRS.

The interpreting profession has been supporting *successful communication* for the deaf and hard of hearing in person for years. These professional interpreters have invested in education and years of experience to become nationally certified to work with the nation's deaf and hard of hearing communities. They understand that every conversation is different, whether in person or through VRS. Therefore, every VRS call requires that the interpreter understand at least two languages and be able to interpret the cultural nuances in order for the call to be successful.

Without the requisite skills and experience to do so, a call may be answered quickly but the communication is ineffective, resulting in further attempts to make a call and frustration on the part of the consumer as well as additional costs to the program. Placing a regulation on ASA and not quality has reduced the number of providers that used to hire only certified and experienced community interpreters. The consumer is now faced with being represented by pre-certified interpreters or student signers that are training on the job.

RID correctly states that, “As of today, deaf and hard of hearing consumers who are accessing VRS are subject to a "One Size Fits All" service that may or may not meet their needs; this is contrary to best practices in the field of interpreting which focus on matching the interpreter with the language and situational needs of the consumer. The VRS industry currently utilizes a system of routing incoming calls to the next available CA, without regard for the ability of the interpreter to meet the specific needs of that 'next' caller.”¹ Consumers who use VRS are as diverse as the general population, and this model diminishes the ability to continue to provide quality while trying to reach out to new users.

Say-Hey Inc. recognizes that matching consumer needs with interpreter skills has been an essential ‘best practice’ that has been in place for years in the profession where interpreters have been supporting *successful communication* in person. This practice should be an extension in VRS where technology is used to bridge the distance between the interpreter and the deaf or hard of hearing. Examples of this include callers that require the next available interpreter to lip-read or interpret sign supported speech, or those that require a Certified Deaf Interpreter (CDI). Although it may be impossible to guarantee a match on every call, RID correctly identifies the fact that a “One Size Fits All” model only exacerbates the problem when it comes to functional equivalence. The dial tone comparison of functional equivalence falls apart when the deaf and hard of hearing version of dial tone includes a component of “human error”.

¹ Registry of Interpreters for the Deaf (RID) Response to FCC Re: CG Docket No. 10-51 "Structure and Practices of the Video Relay Service Program", March 9, 2012

Say-Hey Inc.'s philosophy and business model set out to change the manner in which VRS interpreters were managed and operated in the VRS environment. Instead of following the same business model of other providers or outdated and inapplicable policies and procedures set forth by older iTRS models, Say-Hey Inc. sought to establish an environment where VRS interpreters were highly educated on FCC regulations applicable to relay services so as to ensure compliance and prevent fraud and waste. Further, these VRS interpreters would operate in the same manner they do in the practice of Sign Language Interpreting as set forth by the governing body that provides interpreter certification, the Registry of Interpreters for the Deaf (RID).

Establishing such a philosophy represents a needed change in how VRS interpreters operate in the industry and allows for the deaf and hard of hearing community to interact with the interpreter working at Say-Hey in the same manner that they do when interacting with a professional Sign Language Interpreter in their day to day lives. This approach leads to better quality and more effective communication via VRS.

In addition, the Say-Hey model takes into account the rigorous physical challenge interpreters encounter in VRS and allows them to follow the same practices they use in the field to support their health and safety. The provision of a technical platform built with the interpreters' ergonomics in mind has set Say-Hey apart as a preferred VRS employer. The interpreter is not encumbered by multitudes of rules that promote statistical efficiency, but degrade the consumer's experience of *successful communication*.

Since *successful communication* is the reason consumers use VRS, then it stands to reason they should have a choice in achieving that. The Commission would no doubt benefit from administering a single or limited number of providers, however this would not generate enough market choice for consumers to achieve functional equivalence. As of today, consumers only have one choice of a deaf owned VRS provider and no choice of a provider that embodies the core interpreter philosophy of Say-Hey.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matt Idler', with a stylized, flowing script.

Matt Idler
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